



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE


Applicant : Kain, et al.
Appl. No. : 09/782,588
Filed : February 12, 2001
For : ALTERNATIVE SUBSTRATES AND
FORMATS FOR BEAD-BASED
ARRAY OF ARRAYS™
Examiner : Betty J. Forman

Group Art Unit 1634

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to:
Commissioner for Patents, P.O. Box 1450,
Alexandria, VA 22313 on:

July 8, 2004

(Date)


Marc C. Baumgartner, Reg. No. 53,976

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321

Dear Sir:

Empowerment of Attorney

Pursuant to 37 C.F.R. § 1.321(b) the undersigned attorney of record is empowered to act on behalf of the Assignee, Illumina, Inc. ("Assignee"), by virtue of a Power of Attorney executed on August 7, 2003, and filed on August 8, 2003.

Right of Assignee and Ownership

In accordance with 37 C.F.R. § 3.73(b), Assignee represents that it is the owner of the entire interest in the above-identified application and co-owned, co-pending, Application No. 09/931,271. The assignment of Application No. 09/931,271 is recorded at Reel No. 012474 Frame No. 0456 by the Assignment Branch of the Patent and Trademark Office and contains the entire chain of title from the Inventors to the Assignee. The Assignee represents that, to the best of Assignee's knowledge and belief, title is in the Assignee seeking to take action.

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Disclaimer by Assignee

Assignee hereby disclaims, except as provided below, the terminal part of any patent granted on the above-referenced application that would extend beyond the expiration date of the full statutory term of any patent issuing from U.S. Patent Application No. 09/931,271, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the instant application and any patent issuing from U.S. Patent Application No. 09/931,271 are co-owned. This agreement extends to any patent granted on the above-referenced application and shall be binding on its successors or assigns.

Assignee does not disclaim any terminal part of any patent granted on the above-referenced application prior to the earlier of the expiration date of the full statutory term of any patent issuing from U.S. Patent Application No. 09/931,271, and that of any patent issuing on the above-identified application in the event that either one later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title stated above. This Terminal Disclaimer is accompanied by the \$110 fee set forth in 37 C.F.R. § 1.20(d).

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 7/8/04

By: Marc C. Baumgartner
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